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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,024	10/11/2002	Michael Evans	60,130-1308	9156

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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,024

Applicant(s)

EVANS ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 15, 16, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 1-7, 12-14 and 18-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to because:
 - In Figure 4, change "30" as --30a--.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:
 - Element 28 (Page 5 Line 2) is not illustrated in the drawings.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the applicant uses the word "means". Correction is required. See MPEP § 608.01(b).

Claim Objections

5. **Claims 1-28 are objected** to because of the following informalities:

Claim 1 Line 6, delete the word "first".

Claim 21 Lines 1 and 2 delete "when dependent upon claim 17".

Claim 22 Line 5, change "the latch" as --a latch--.

Claim 23 Line 5, change "the latch" as --a latch--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-7 and 12-14 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,664,430 to Bernard ('430).

Regarding claim 1, Bernard ('430) discloses a latch mechanism including a latch bolt (4) movable between a primary latched position (Figure 7) and an open position (Figure 4).

A first pawl (11) is moveable between a first engaged position, where the first pawl secures the latch bolt in at least the primary latched position (Figure 7), and a second released position, where the first pawl releases the latch bolt from at least its primary latched position.

Release means (5,8 and 44) moveable between a first engaged position, where the release means allows the first pawl to achieve its first engaged position (Figure 7), and a second release position, where the release means retains the first pawl in its second release position (Figure 4).

A second pawl (46) moveable between a first engaged position, where the second pawl is capable of retaining the release means in its second release position (Figure 4), and a second release position, where the second pawl releases the release means from its second release position (Figure 6), such that the latch mechanism can be latched and unlatched.

As to claim 2, Bernard ('430) discloses that the release means is fast with the first pawl (Figures 4-7).

As to claim 3, Bernard ('430) discloses that the release means is moveable relative to the first pawl (Figure 4-7).

As to claim 4, Bernard ('430) illustrates that the latch bolt additionally has a secondary latched position intermediate the primary latch position and the open position (Figure 5).

As to claims 5-7, Bernard ('430) illustrates that a trip abutment on the latch bolt (27 and 28) is capable of moving the second pawl (46) from its first engaged

position to its second release position allowing the latch mechanism to latch or unlatch.

As to claim 12, Bernard ('430) illustrates that a first arm of the release means (44) is engaged to move the release means from its first engaged position to the second release position (Figures 4-7).

As to claim 13, Bernard ('430) illustrates that an arm of the release means (44) is engaged by the second pawl (46) to retain the release means in its second release position (Figures 4-7).

As to claim 14, Bernard ('430) discloses that the latch mechanism includes a power actuator having a motor and a drive train (M).

8. **Claims 1-3,5-7,12 and 13 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,978,153 to Hirsch et al (Hirsch).

Regarding claim 1, Hirsch discloses a latch mechanism (1) including a latch bolt (3) movable between a primary latched position and an open position.

A first pawl (4) is moveable between a first engaged position, where the first pawl secures the latch bolt in at least the primary latched position (Figure 1), and a second released position, where the first pawl releases the latch bolt from at least its primary latched position.

Release means (5 and 7) moveable between a first engaged position, where the release means allows the first pawl to achieve its first engaged position (Figure 1), and a second release position, where the release means retains the first pawl in its second release position.

A second pawl (6) moveable between a first engaged position, where the second pawl is capable of retaining the release means in its second release position, and a second release position, where the second pawl releases the release means from its second release position, such that the latch mechanism can be latched and unlatched (Figure 1).

As to claim 2, Hirsch discloses that the release means is fast with the first pawl.

As to claim 3, Hirsch discloses that the release means is moveable relative to the first pawl (Figure 1).

As to claims 5-7, Hirsch illustrates that a trip abutment on the latch bolt (30) is capable of moving the second pawl (6) from its first engaged position to its second release position allowing the latch mechanism to latch or unlatch.

As to claim 12, Hirsch illustrates that a first arm of the release means (5) is engaged to move the release means from its first engaged position to the second release position (Figure 1).

As to claim 13, Hirsch illustrates that an arm of the release means (5) is engaged by the second pawl (6) to retain the release means in its second release position (Figure 1).

9. **Claim 22 is rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,934,717 to Wirths et al (Wirths '717).

Wirths ('717) discloses a latch mechanism that includes a power actuator comprising a motor and a drive train (14). The drive train includes at least one abutment (12) for engagement with a release means (6). The motor causes the

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abutment to move the release means from a first engaged position to a second release position to release a latch (1). A retention means (9) is capable of retaining the release means in its second release position (Figures 1-3).

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. **Claims 22-26 are rejected** under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,000,257 to Thomas.

Regarding claims 22 and 23, Thomas discloses a latch mechanism that includes a power actuator comprising a motor and a drive train (30). The drive train includes at least one abutment (70 and 72) for engagement with a release means (32). The motor cause the abutment to move the release means from a first engaged position to a second release position to release a latch (24). A retention means (82) is capable of retaining the release means in its second release position.

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As to claim 24, Thomas discloses that the latch mechanism further includes a latch bolt (24) and a first pawl (26) that moves between a primary latched position, securing the latch bolt, and a second released position, where the first pawl releases the latch bolt from at least its primary latched position.

As to claim 25, Thomas discloses that the release means is fast with the first pawl.

As to claim 26, Thomas discloses that the release means is moveable relative to the first pawl.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 17-21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,664,430 to Bernard ('430) in view of US Pat No 6,000,257 to Thomas.

Bernard ('430) fails to disclose that the drive train of the motor includes an abutment operable to move or restrain the release means. Bernard ('430) discloses the use of a kinetic chain to move the release means (Claim 1 Line 15-18).

Thomas teaches that is known in the art to have a latch mechanism that includes a power actuator comprising a motor and a drive train (30) having a first abutment (70 and 72) for engagement with a release means (32) in order to move the release

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means from a first engaged position to a second release position to release a latch (24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a drive train, as taught by Thomas, into a device as described by Bernard ('430), in order to move the release means.

Allowable Subject Matter

14. **Claims 8,15,16 and 27 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. **Claims 9-11 and 28 would be allowed because depend from claims 8 and 27.**

Reasons For Allowable Subject Matter

15. The following is an examiner's statement of reasons for allowable subject matter:

Claims 8,15,16 and 27 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the trip abutment moves the second pawl by engagement with a third pawl (claim 8), that the motor or the drive train only operates in one direction (claims 15 and 16) and that the plurality of abutments includes first and second set of abutments (claim 27).

Regarding claim 8, Bernard ('430) fails to disclose that the trip abutment moves the second pawl by engagement with a third pawl. Bernard ('430) discloses a third pawl (29) but the third pawl doesn't move the second pawl (Figures 4-7).

As to claims 15 and 16, Bernard ('430) also fails to disclose that the motor or the drive train only operates in one direction. Bernard ('430), as seen on Figure 15, discloses that the motor moves in two directions (F and O).

As to claim 27, Thomas fails to disclose that the plurality of abutments includes first and second set of abutments. Thomas only discloses one set of abutments.

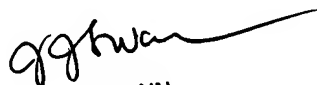
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Carlos Lugo
Examiner
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December 8, 2003.